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June 17, 2020

*Via ECF*

Hon. Denis R. Hurley, U.S.D.J.  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722

***Re: Capricorn Management Systems, Inc. v. Government Employees  
Insurance Co., 15-cv-02926-DRH-SIL***

Dear Judge Hurley:

We represent Plaintiff Capricorn Management Systems, Inc. ("Plaintiff") in the above-captioned action. We write to clarify for the Court the recent filing of a Stipulation of Dismissal (ECF Doc. No. 142). This filing pertained only to claims between Plaintiff and Defendant Auto Injury Solutions, Inc. ("AIS"), which those two parties have agreed to voluntarily dismiss without prejudice and without waiver of appellate rights.

The case continues as to Plaintiff and Defendant Government Employees Insurance Co. ("GEICO"), with respect to both Plaintiff's breach of contract claim that survived GEICO's motion for summary judgment and as to GEICO's counterclaims and third-party claims. Indeed, the parties are scheduled for a Final Pre-Trial Conference with Magistrate Judge Locke on July 28, 2020, after which we understand the matter will be forwarded to Your Honor to place on the trial calendar.

By order entered today, June 17, 2020, on the docket, Your Honor So-Ordered the Stipulation of Dismissal and directed the Clerk of the Court to close this case (the "Dismissal Order"). Plaintiff respectfully requests that Your Honor amend the Dismissal Order to reflect that the Parties only stipulated to dismiss AIS' counterclaim and withdraw the Dismissal Order to the extent that it directs the Clerk of the Court to close this case.



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We appreciate Your Honor's continued attention to this matter.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Richard C. Schoenstein", with a stylized, flowing script.

Richard C. Schoenstein

cc: All Counsel of Record (*Via ECF*)